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VIA ECF

The Honorable Richard J. Sullivan
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Re: Murphy et al. v. LaJaunie et al.
Case Number: 13 CV 6503 (RJS)

Dear Judge Sullivan:

We represent the Defendants in the above referenced matter. We write in accordance with the Court's Order directing Defendants to respond to Plaintiffs' July 29, 2016 letter. Below please find Defendants' status report regarding each category of class discovery described in the Court's April 15, 2016 Order:

- a. **Class Member time records from September 5, 2006 to February 26, 2011** – Defendants have advised us that these records are no longer available. Defendants advised us that this includes any records that would have been maintained electronically.
- b. **Class Member payroll records from July 29, 2009 to December 31, 2010** – Defendants have advised us that they have produced all responsive records in their possession. Moreover, Plaintiffs admit in their July 8, 2016 letter, that all of these records have been produced, except for a few missing weeks.¹ To the extent that any weeks are missing, Defendants advise us that have no more documents to produce. Defendants submit that, in light of their substantial compliance, the entry of a default is not warranted because of a few missing weeks of payroll records.
- c. **Class Member and Maître D year end payroll reports for 2006 to 2015** – Defendants have advised us that they have produced all of the responsive records in their possession. To the extent that any responsive information can be obtained from ADP, Defendants have advised us that they have contacted ADP and expect to obtain records from ADP in approximately five weeks.

¹ As detailed in our July 8, 2016 letter, our review of the contents of Defendants' July 8, 2016 production reveals that Defendants have substantially complied with this portion of the Court's April 15, 2016 Order.

- d. **Year to Date payroll reports for Class Members for 2016** – Defendants have advised us that they have produced all 2016 payroll records currently in their possession. In fact, Plaintiffs admit that Defendants' compliance with this portion of the Court's April 15th Order has been significant.
- e. **Identities and dates of employment for all Maître Ds** – Defendants have advised us that it will take approximately two months to produce this information.
- f. **Outstanding Opt-in Plaintiff payroll records** – Defendants have advised us that they have produced all responsive records in their possession.
- g. **Unreacted tip sheets from September 5, 2006 to present** – Defendants have advised us that they have produced all responsive records in their possession. Moreover, we note that Plaintiffs admit that most of these records have been produced.

In light of Defendants' substantial compliance with the Court's April 15, 2016 Order, we respectfully submit that the entry of a default judgment is not warranted.

Thank you for your consideration of the foregoing.

Respectfully submitted,
Kaufman Dolowich & Voluck, LLP



Jeffery A. Meyer, Esq.

CC: All Counsel, Via ECF